IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.98 OF 2007

IN

SUMMARY SUIT NO.3315 OF 2006

Lloyd Insulations (India) Ltd. .. Plaintiffs.

Versus

Shree Panchganga Cold Storage Pvt.Ltd. .. Defendants.

Mr.E.P.Bharucha with Zubin Kamdin i/b.Purohit & Purohit for plaintiffs.

Mr.Abhay Palki for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th AUGUST, 2007.

P.C.:

1. The dispute between parties arises out of a contract, which was awarded for erection of cold storage plant.

2. Since the parties are at issue with regard to successful commissioning of this plant and compliance with the terms and conditions with regard to the same so also

technical aspects being involved, a suggestion was given by the Court to explore the possibility of referring the matter for decision to a Sole Arbitrator. The Arbitrator should be preferably a person from the technical field.

3. Both sides took time and now have informed me that they are agreeable for the disputes being referred to the arbitration of the Sole Arbitrator Mr.Sanjay Ajmera.

4. Accordingly, by consent of parties, the suit is disposed of and all the disputes and differences arising between parties with regard to the erection of the above plant and contract in respect thereof are referred to the arbitration of the Sole Arbitrator Mr.Sanjay Ajmera, who shall conduct the proceedings at Bombay. It is also agreed between parties that the Arbitrator can visit the site in case the inspection thereof is necessary for deciding the matter.

5. The suit as well as summons for judgement stands disposed of in the above terms. All contentions on merits of the disputes of both sides are expressly kept open. Needless to state that the parties are at liberty to apply for such interim measures as are necessary either before the learned Arbitrator or before the competent Court.

6. The learned Arbitrator to endeavour and decide the matter expeditiously.

7. It is further needless to state that the Arbitrator is at liberty to take assistance of any technical expert in the field.

(S.C.Dharmadhikari, J.)